

Summary of Regional and Sub-Regional Structures and Initiatives to Counter Trafficking in Persons

December, 2010

Based on submissions received from regional mechanisms in response to questionnaire of the UN Special Rapporteur on Trafficking in Persons, Especially Women and Children, the Special Rapporteur's 2010 Report to the Human Rights Council and more recent submissions

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African Region

African Union (AU)

At the level of the AU, the ‘Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children’, was adopted by Ministers of Foreign Affairs, Migration and Development from Africa and the European Union in November 2006 at the Africa-EU Ministerial Conference on Migration and Development, held in Tripoli in the framework of the Africa-EU Partnership on Migration, Mobility and Employment. The Action Plan provides specific recommendations to be implemented by Regional Economic Communities (RECs) and Member States based on a three-pronged strategy: prevention of trafficking, protection of victims of trafficking and prosecution of those involved in the crime of trafficking. The initial Action Plan is due to be replaced by one for the period 2011-2013.

The Africa-EU Partnership on Migration, Mobility and Employment (MME) aims to provide holistic responses to various issues of interest to both partners, with a particular focus on creating more and better jobs for Africa and to better manage migration flows. Among its three priority action areas is the implementation of the Ouagadougou Action Plan. The objectives of this priority area are to: effectively combat trafficking through a victim-centred approach, in particular of women and children; address the root causes of trafficking in countries of origin, as well as in countries of destination; and contribute to the empowerment of women and children. When it comes to the implementation of the Plan, the involvement of a range of actors is foreseen, including RECs, the Pan African Parliament (PAP) and the European Parliament (EP), civil society actors, migrant associations and research institutions. Among the activities foreseen in the Plan is that to “enhance bilateral and multilateral cooperation and coordination between European and African countries of origin, transit and destination, and establish trans-national referral mechanisms among them.”

To support the MME partnership, the African Union Commission and the European Commission launched a project called ‘Support for the Africa-EU Partnership on Migration, Mobility and Employment’ that aims to provide an open framework for consultations on a flexible thematic and geographic basis, strengthening the leadership of the key stakeholders and facilitating the exchange of information and good practices. Under the supervision and guidance of a Steering Committee led by the AUC and EC, the project is implemented by the International Centre for Migration Policy Development (ICMPD), the International and Ibero-American Foundation for Administration and Public Policies (FIIAPP) and the African Institute for Economic Development and Planning (IDEP).

The project aims to stimulate best practices and information sharing through the creation of a so-called ‘MME network’ of national experts, researchers and civil society actors. It is foreseen that this network will be involved in stocktaking of outcomes and best practices from projects and initiatives from across the African continent, expert workshops, commissioned research and an email newsletter. The next phase of the project (2011-2013), notably, foresees a number of concrete initiatives in both trafficking- and migration related areas, such as the establishment of an African Remittances Institute; the organisation of regional and sub-regional multi-stakeholder fora on employment, social protection and labour migration; and the creation of an observatory

on migration through a network of research centres and independent researchers to produce reliable and harmonised data on migration.

Meanwhile, the first in a series of regional workshops on operationalising the Ouagadougou Action Plan (OAP) was held in Abuja, Nigeria, in March 2010, with the aim of sensitizing regional economic communities (RECs) and member states and fostering effective methods for networking, cooperation and coordination among RECs, member states and partners to address trafficking in persons in Africa in a more strategic and pragmatic manner. In addition to African RECs (ECCAS, ECOWAS, SADC, and the Common Market for Eastern and Southern Africa and the Community of Sahel-Saharan States), UN agencies, international organisations and private sector representatives, the meeting was also attended by the League of Arab States, and it was agreed for the AU Commission (AUC) to initiate a discussion with LAS to include the issue of trafficking in persons in the Second Afro-Arab Cooperation Summit in 2010. Among the other recommendations emanating from the workshop were that: RECs establish focal points for anti-trafficking to be responsible for the implementation of the OAP within the region; RECs develop action plans for their respective sub-regions to be supported by established institutional frameworks to oversee the implementation as well as monitoring and evaluation; RECs develop bi-annual reports on the implementation and follow-up on the OAP; the AUC prepare an analytical continental report on the state of trafficking in Africa on a biennial basis; a reporting mechanism be established on the implementation of the OAP; the AUC develop, in consultation with RECs and Member States, a tool for monitoring & evaluation of the implementation of the OAP, a logical framework and guidelines for national and regional plans of action; and a mechanism be developed for information and data sharing between Member States, RECs, the AU, UN agencies, civil society and other partners and stakeholders. The second regional workshop is foreseen to take place in East Africa. Since the workshop, the AU Commission has developed and disseminated an implementation matrix, complete with indicators, for the implementation of the OAP and the AU.COMMIT Campaign (see below for details on this campaign).

In the area of prevention, the AU.COMMIT Campaign aims at curbing both the supply and demand for human trafficking, in partnership with several United Nations agencies. The Campaign included the production of television advertisements, the distribution of 1,000 copies of the Ouagadougou Action Plan, of 1,000 T-shirts with the slogan “AU.COMMIT: Stop Trafficking” and of 1,000 copies of pamphlets, pins, posters, etc. In line with the three main strategies of the Ouagadougou Plan of Action, the AU.COMMIT Campaign is designed to be implemented in three phases, focusing in 2009-2010 on prevention of, and response to, trafficking, in 2010-2011 on protection of victims and in 2011-2012 on prosecution of traffickers.

In the area of protection, recovery and reintegration of trafficked persons, the Ouagadougou Action Plan contains specific measures on rehabilitation aimed at establishing minimum standards for the rehabilitation of victims in the region. It calls upon States to establish rehabilitation centres to assist victims of human trafficking, to ensure their safety and facilitate their recovery and social reintegration, and to exchange documentation on lessons learned regarding recovery, repatriation and reintegration. Importantly, it also calls upon States to

develop programmes for the rehabilitation and social reintegration of children trafficked in order to become child soldiers.

The Ouagadougou Action Plan also underlines some major issues with regard to the participation of victims in judicial proceedings. In particular, while encouraging victims of trafficking to testify in the investigation and prosecution, States are urged to give due consideration to the safety and security of victims and witnesses at all stages of legal proceedings, in particular with regard to children. It also calls upon States to adopt specific measures to avoid criminalization of victims of trafficking, as well as the stigmatization and the risk of re-victimization. Finally, it invites States to consider legislation to provide for administrative, civil or criminal liability of legal persons or their representatives for trafficking offences in addition to the liability of natural persons.

Regarding the protection of specific groups, including gender-sensitive perspectives and child-centred approaches, the Ouagadougou Action Plan recognizes that the empowerment of women and girls through national policies is an important part of combating trafficking, and that a gender perspective should be applied when adopting and implementing measures to prevent and combat trafficking in persons. In that context, it calls upon States to promote the empowerment of girls and women in their national policies, and to take measures to eliminate harmful customs and traditional practices and to counter cultural stereotypes, which can lead to trafficking in persons. Moreover, it invites them to provide viable employment or other livelihood opportunities for youth, particularly for young women at risk, especially in regions prone to trafficking.

In terms of promoting international cooperation, the AU launched in June 2009 the ‘Initiative against Trafficking’, whereby it provides technical expertise, together with financial or logistical support, for projects and events, such as workshops or campaigns, organized at the regional level.

Other regional instruments at the African level with relevance to trafficking in persons include: the ‘African Charter on Human and People’s Rights’ (1981) and its ‘Protocol on the Rights of Women in Africa’ (2003), as well as the ‘African Charter on the Rights and Welfare of the Child’ (1990).

Economic Commission for Africa

The Economic Commission for Africa has not adopted any specific instruments or set up any dedicated bodies to deal with trafficking in person. Rather, the issue is dealt with alongside other matters addressed by the organization through sections in reports it publishes (e.g. on women in Africa, and social development in Africa) and through advocacy during major events such as the Sixth African Development Forum, held in 2008.

Economic Community of West African States (ECOWAS)

At the sub-regional level, ECOWAS Member States in 2001 proclaimed their commitment to the eradication of trafficking in persons with the adoption of the ‘Declaration on the fight against trafficking in Persons’ and of the initial ‘ECOWAS Plan of Action Against Trafficking in Persons’ for the period 2002-2003. Since then, subsequent plans of action have been adopted

every triennium, the latest for the period 2008-2011. The plans of action focus, inter alia, on the formulation and implementation of legislation, protective and preventive measures, cooperation, training and capacity building, as well as creating a structure for monitoring and evaluation.

With the adoption of the initial plan of action, the ECOWAS Commission was mandated to present proposals for controlling trafficking in persons in the sub-region, with special attention to the situation of trafficked children. An Anti-Trafficking Unit was subsequently set up within the Commission's legal department to act as a focal point for counter-trafficking issues within the Commission and to monitor and coordinate the implementation of the plan of action. In 2006, the unit became a fully fledged unit under the Social Affairs Division of the Department of Humanitarian and Social Affairs of the ECOWAS Commission consisting of a Unit Coordinator, a Regional Advisor (Anglophone) based in Abuja, a Regional Advisor (Francophone) based in Dakar and an Administrative Assistant.

In the area of prevention, alongside efforts to gather data and raise awareness, ECOWAS launched in 2000 in cooperation with IOM a Regional Consultative Process that includes among its regional fora the Migration Dialogue for West Africa which aims to deepen discussions among Member States of common migration issues, including trafficking in persons.

In the area of legal- and institutional frameworks, ECOWAS has developed a number of tools to assist Member States, including: a checklist for Member States compliance with the Palermo Protocol; elements of an effective National Plan of Action; and a model National Task Force and National Focal Points.

In the area of capacity building, ECOWAS has developed, in collaboration with IOM, a 'Training Manual on Trafficking in Persons'. The manual provides examples and case studies from the region, including good practices, and contains the following 9 modules: basic concepts in trafficking in persons; counter trafficking response; cooperation and networking; practical steps in cooperation and networking; formalizing commitment and decisions; best practices in cooperation and networking; developing indicators; and the anti-trafficking unit of the ECOWAS secretariat. Training courses for national groups were organized based on this manual and an evaluation of national legal frameworks was carried out in 2006.

In the area of protection, ECOWAS adopted in 2010 a 'Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa' and has developed 'Guidelines on witness protection, support and assistance'. It has also developed, and is due to launch, standard operating procedures for the protection of trafficked persons.

In the area of cooperation, ECOWAS has developed tools such as a 'Manual on Cooperation and Networking for ECOWAS Member States' and a 'Model Bilateral Agreement on cooperation and mutual legal assistance in protecting children from trans-border trafficking'. It has also facilitated meetings and the conclusion of agreements such as those between: Benin, Togo and Gabon; Côte d'Ivoire and Mali; Nigeria and Niger; Nigeria and Benin; and Mali and Senegal.

At the level of ECOWAS there is also a series of agreements aimed at the removal, between Member States, of obstacles to the free movement of persons, goods, services and capital and to the right of residence and establishment.

Economic Community for Central African States (ECCAS)

ECOWAS and ECCAS decided to combine their efforts and, in July 2006, adopted a joint bi-regional action plan ('Joint ECOWAS/ECCAS Regional Plan of Action to Combat Trafficking in Persons, especially Women and Children') for the period 2006-2008, together with a resolution and a multilateral cooperation agreement – the 'Multilateral Cooperation Agreement to Combat Trafficking in Persons (especially Women and Children) in West and Central Africa).

A Joint Permanent Monitoring Commission has been set up to coordinate joint action by ECOWAS' Unit on Combating Trafficking in Persons and ECCAS' Unit on Combating Trafficking in Persons and Child Protection. Reporting to each of these units are National Monitoring Committees (15 in ECOWAS and 10 in ECCAS).

The plan of action reaffirms the ECOWAS initial plan of action and extends efforts to combat trafficking into the Central African region. It emphasizes that Member States should ensure the ratification and implementation of relevant international instruments, and sets out seven strategies in the following priority areas: legal framework and policy development; victim assistance and protection; prevention and awareness-raising; collection and analysis of information; training and specialized capacity-building; travel- and identity documents; and monitoring and evaluation of implementation. Paragraph 64 of the plan requires States to produce and submit an annual report on the implementation of the multilateral cooperation agreement, and a country report framework has been designed for this purpose covering the following areas: legal framework; national strategy; prevention; repression/ prosecution; protection; repatriation; international cooperation; stakeholders; and assessment.

The plan of action also calls on Member States to set up direct communication between their border control agencies, and in this regard ECCAS is in the process of setting up joint anti-trafficking offices at borders with the task of identifying trafficked persons.

At a regional meeting organized by UNICEF and the ILO in Libreville in 2002, furthermore, officials from West and Central African countries endorsed a common platform of action that proposed: a legal framework to protect child workers; an improvement in the custodial system of child victims of trafficking; the strengthening of cooperation among governments; and the establishment of transit and reception centres for returned children.

Southern African Development Community (SADC)

The SADC Regional Plan of Action on Trafficking in Persons is a ten-year plan (2009-2019), based on the principles of human rights, centered on the child, gender and non-criminalization of victims. The SADC Plan of Action focuses on capacity building for the region, including identifying trafficking as a crime, and providing victim support and witness protection.

Other

At the regional level, there is also the **Inter-African Conference on Social Security**, established in 1993. In the light of the sub-regional integration processes on free circulation of persons, the Conference has among its aims to create a supranational framework to collectively address issues relating to harmonizing social security legislations and systems and strengthening specialized training in this field.

Americas Region

Mercado Común del Sur (MERCOSUR)

The Montevideo Declaration against Trafficking in Persons in MERCOSUR and Associated States was adopted in 2005. In 2008, the First International Congress of MERCOSUR and Associated States on Trafficking in Persons and Child Pornography was held, followed by the adoption of the “Conclusions and Recommendations” of the Congress.

Organization of American States (OAS)

The OAS has adopted a system whereby it hosts regular gatherings of the highest level of national government officials responsible for combating human trafficking, through a process called the ‘Meetings of National Authorities on Trafficking in Persons’ initiated in 2006. The second such meeting, convened by Argentina and Uruguay in Buenos Aires in March 2009, adopted a document called ‘Conclusions and Recommendations’ which expresses the political will of OAS States to strengthen regional and international cooperation to counter trafficking in persons..

In the above-mentioned ‘Conclusions and Recommendations’, the OAS General Secretariat is entrusted with “preparing a Draft Work Plan, to be considered by the Committee on Hemispheric Security, bearing in mind the progress made at the sub-regional level, as well as at the international level, avoiding duplication of effort and generating enhanced coordination”. The document also requests the OAS Secretariat to develop comparable parameters on legal frameworks, prevention, prosecution of crime, assistance and protection for victims and intergovernmental cooperation on trafficking in persons. In follow-up, the OAS General Assembly on June 8, 2010 adopted the ‘Work Plan Against Trafficking in Persons in the Western Hemisphere’ for 2010-2012.

The work plan sets out possible activities for Member States in the areas of prevention, prosecution and protection. It also foresees the identification of a national point of contact for trafficking in persons in each Member State and mandates the OAS General Secretariat to carry out a number of activities, including the preparation of a proposal for the establishment of national, sub-regional and regional networks for security forces, law enforcement, prosecutors and judges to exchange information related to training and awareness programmes.

A document entitled ‘Guidelines for Repatriation of Trafficking Victims’ was in 2009 presented by the General Secretariat in the eleven countries involved in the programme ‘Training on Human Trafficking for Consular Officers’.

Other recent training and capacity building activities carried out by the General Secretariat include the following:

A programme to train police and immigration officials as well as prosecutors and judges from 19 English-speaking Caribbean and Central American countries was launched in 2010 with the following objectives: to increase awareness of the crime of trafficking among law enforcement; to strengthen the role of police, prosecutors and courts in their capacity to implement laws to combat trafficking; and to increase the exchange of information between agencies involved in combating human trafficking in the Caribbean and Central American regions.

Also in 2010, the General Secretariat implemented the first phase of a capacity building project on border controls, which aims to strengthen the capacity of customs and migration personnel responsible for detecting and preventing criminal activity, including through more effective coordination among such personnel and between them and other law enforcement entities and prosecutors.

As part of the ‘Trafficking in Persons in the Western Hemisphere’ programme, a training seminar was organized in San Jose, Costa Rica, in May 2009 for Directors of Migration of the Central American countries and their representatives on the theme ‘Globalization Challenges for Migration: Addressing Human Trafficking from Asia to the Americas’. The event addressed the vulnerability of certain migrant groups that come from Asia to the region as well as the need to assist and protect victims of trafficking and the work of the participating authorities to identify fraudulent documents. As a direct result of this training, the Directors of Migration subsequently held a follow-up meeting to address the regional needs related to combating trafficking in persons and related issues.

In December 2009, a training was conducted in Quito, Ecuador, for governmental officers of the ministries involved in combating trafficking in persons. As an end result of this training, the participating Ecuadoran institutions agreed on a protocol for victims’ assistance, identifying the responsibilities of each institution.

The OAS Secretariat also strives to promote the inclusion of a gender perspective in all aspects of its work, and encourages OAS member states to send an equal number of male and female participants to all training provided or supported by OAS. It has also developed a toolkit including several gender and human rights components. OAS member states have confirmed the inclusion of the training materials in the curricula of their diplomatic academies and/or foreign ministries. In addition, a number of countries have publicly expressed their interest and willingness to be included on a second round of training.

The OAS General Assembly has furthermore adopted a large number of recommendations for actions to be taken by the OAS and its Member States. A 2009 OAS General Assembly resolution requests, for example, that “all parties involved [OAS, Member States, other organizations and civil society], keep permanently in mind, in their efforts to prevent this phenomenon, the structural causes that give rise to trafficking in persons in our societies and to guide their prevention programs accordingly with a view to mitigating these factors.” It also calls on OAS Member States “to promote the preparation of multidisciplinary studies and assessments

to analyze and understand the causes and consequences related to the phenomenon of trafficking in persons. As much as possible, this must include the forces driving demand, the modus operandi of the criminal networks, the movement of profits generated by trafficking, the way it relates to other legal or illegal activities, the income circuit and the negative social, psychological, physical and emotional or other type of impact on victims.” The resolution’s recommendations include to: “strengthen the legal protection of workers throughout the region, urging all social sectors, including the private sector, to assume social responsibility and reject practices that involve any form of exploitation of human beings”; and “strengthen cooperation that would allow, when appropriate, the voluntary, orderly, safe and dignified repatriation of victims of trafficking, in accordance with the Palermo Protocol, aimed at guaranteeing them security and integrity.”

Asian Region

Association of Southeast Asian Nations (ASEAN)

ASEAN’s endeavours to counter trafficking in persons have been made under the auspices of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), with the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) as the operational arm.

In 2007, SOMTC formalized its Working Group on Trafficking in Persons, with its main objective to monitor the implementation of the work plan to implement the ‘ASEAN Declaration on Trafficking in Persons, especially Women and Children’. More detailed objectives of the Working Group include: to facilitate the exchange of information and experiences on trafficking issues among ASEAN Member States; to consider ways and means to strengthen regional and international cooperation to prevent and combat trafficking; and to facilitate donor coordination and cooperation on projects within the ASEAN region in relation to trafficking.

Most of ASEAN’s ten Member States have established Specialist Counter Trafficking Response Units, whose Heads hold biannual meetings to augment police-to-police cooperation and strengthen ties amongst specialist investigators on cases involving trafficking in persons, including through the exchange of intelligence on specific human trafficking cases.

Seven ASEAN Member States also participate in the Asia Regional Trafficking in Persons (ARTIP) Project (2007-2011), which is funded by the Australian Government Aid Program and aims to strengthen the criminal justice response to trafficking in persons, end impunity of traffickers and secure justice to victims of trafficking.

SOMTC, with support by ARTIP, has developed, piloted and adapted a range of generic training materials for front-line law enforcement officials, specialist investigators, as well as judges and prosecutors. This approach aims to ensure the development of common standards and approaches to the investigation, prosecution and adjudication of trafficking cases throughout the ASEAN region. The materials have been used for capacity building training in several ASEAN Member States after having been customized for each country in keeping with ASEAN’s approach and the effectiveness of this training has been assessed through a variety of evaluation methods. In some cases the materials have also been used (in part or in whole) in the development of national human trafficking curricula and training courses.

ASEAN has furthermore developed a range of practical tools to assist member states in their efforts. These include the ‘Practitioners’ Guidelines on Criminal Justice Responses to Trafficking in Persons’ (2007), which has served as a key reference document for institutions in ASEAN member states to investigate, prosecute and adjudicate trafficking cases as well as render cooperation at a regional level. The ‘ASEAN Handbook on International Legal Cooperation in Trafficking in Persons Cases’ was developed from the experiences gathered from ASEAN’s programme on international legal cooperation and through regional and bilateral cooperation among ASEAN member states on trafficking cases. Prior to its official launch at the 10th SOMTC in October 2010, the handbook was presented at a workshop during which ASEAN member state practitioners reviewed the feasibility and operability of the standard operating procedures recommended in the handbook. An ‘ASEAN Compendium of Good Practices in Investigation, Prosecution and Adjudication of TIP Cases’ has also been endorsed by SOMTC.

In terms of promoting bilateral cooperation between countries of the same region, ASEAN has facilitated the conclusion of bilateral meetings on combating trafficking between countries, including between Thailand and the Lao People’s Democratic Republic and between Cambodia and Viet Nam. Such meetings have contributed to the adoption of bilateral Memoranda of Understanding and agreements, such as the ‘Bilateral Agreement between the Royal Government of Kingdom of Cambodia and the Government of Socialist Republic of Vietnam on Cooperation in Joint Standard Operation Procedures for Identification and Repatriation of Trafficked Victims’ (2009) and the MoUs recently signed between Myanmar and China, Myanmar and Thailand, Viet Nam and Cambodia and Viet Nam and Thailand.

Commonwealth of Independent States (CIS)

In 2005, CIS member States adopted the Agreement on the Cooperation of the CIS member States in Combating Trafficking in Persons, Human Organs and Tissues, followed by the adoption in 2006 of the Decision on the Programme of Cooperation of the CIS member States in Combating Trafficking in Persons for the period 2007–2010.

A CIS draft Programme of Action for 2007–2010 has also been adopted, to support the implementation of the 2005 Agreement and facilitate efficient cooperation at sub-regional level for the prevention and suppression of trafficking in persons and the rehabilitation of victims. The CIS’ Model Legislation, furthermore, is an example of high-level development of standards at the regional level.

Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT-Mekong)

The Greater Mekong Sub-region (GMS) was established in 1992 and comprises Cambodia, the Yunnan Province of the People’s Republic of China, Lao People’s Democratic Republic, Myanmar, Thailand and Viet Nam. The GMS aims to promote development through closer economic links between members. The GMS programme focuses on a range of issues, including health and social matters associated with mobile populations.

The Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT-Mekong) is a Government-led process incorporating the six GMS countries in in a formal alliance to

combat human trafficking. The COMMIT Process was initiated in 2004 to create a sustained and effective system of cross-border cooperation and collaboration to combat trafficking, with the following objectives: to promote and strengthen systems of inter-country and regional cooperation against trafficking; to establish a holistic regional response, covering all aspects of the human trafficking problem and ensuring that concern for the victim is at the centre of all interventions; to identify and adapt successful models between countries as appropriate; and to enhance national capacities to address human trafficking in order to facilitate each country's engagement at the regional level, building on existing strengths in each country.

Multi-agency national COMMIT Task Forces, comprising government officials from relevant ministries, oversee national implementation of COMMIT activities, while annual Senior Officials Meetings (SOMs) provide the operational framework and are complemented by Inter-Ministerial Meetings and periodic monitoring meetings including the Project Steering Committee. The United Nations Inter-Agency Project on Human Trafficking (UNIAP) serves as the Secretariat for the COMMIT-Mekong initiative. It is not an implementing entity, but rather a facilitator of coordination and consistency in approach. In performing this function, UNIAP particularly insists on the inclusion of effective implementation and monitoring mechanisms, and follows up with the organization of regional seminars to that effect. It also insists on the importance of integrating the agreement into governmental mandates and budgets.

COMMIT-Mekong has opted for a Memorandum of Understanding (MOU) signed in 2004 at the Ministerial level rather than a Convention to guide collective efforts. To supplement the COMMIT Memorandum of Understanding on Cooperation against Trafficking in the Greater Mekong Sub-Region, a set of 'Guiding Principles for the Protection of Victims of Trafficking in the Greater Mekong Sub-Region' was drafted at the technical level in 2007 with a view to the development of 'Regional Guidelines on Victim Protection'.

With the aim of translating the MOU into action at both national and regional levels, the six GMS countries adopted in 2005 the first COMMIT Sub-regional Plan of Action (COMMIT SPA I, 2005-2007). The plan of action consists of eight activities organized under four broad headings: Policy and Technical (training and capacity building; national plans of action; multi-sectoral and bilateral partnerships; management: cooperation, monitoring and evaluation); Prosecution (legal frameworks, law enforcement and justice); protection (victim identification, protection, recovery and reintegration); and Prevention (preventive measures; and cooperation with the tourism sector).

Following two years of COMMIT SPA I implementation (2005-2007), a review of the achievements and lessons learned informed the redesign and updating of the COMMIT action plan through a series of consultations among the COMMIT Task Forces and their development partners. The resulting Second COMMIT Sub-regional Plan of Action (COMMIT SPA II, 2008-2010) was signed in December 2007 at the second COMMIT Inter-Ministerial Meeting in Beijing, China. Notable changes in the SPA II format compared with its predecessor include:

- standardisation of national and regional activities for each key activity area;
 - introduction of a list of specific indicators to measure progress for each key activity area;
- and

- inclusion of a full monitoring & evaluation framework, in the form of joint targets and timelines adopted by each country, to provide a roadmap of expected outputs and results across the Mekong region over the life of the COMMIT SPA II.

Below are highlighted some of the activities carried out in the framework of COMMIT-Mekong in the areas of prevention, protection and cooperation.

In the area of prevention, COMMIT-Mekong has undertaken a number of activities focused on the linkages between trafficking and labour migration. A two-day regional seminar has been held to examine these linkages in detail, with a particular focus on bilateral MOUs to promote safe migration as an effective measure to prevent human trafficking. Periodic meetings of representatives of Labour- and other relevant ministries, furthermore, have resulted in recommendations for a framework of regional cooperation among Labour Ministries as well as employer- and employee organizations. In follow-up, a regional seminar on labour brokerage was held to discuss ways of strengthening both positive incentives for excellence and effective sanctions on improper or illegal practices. In this regard, a project has been implemented to collect information on job, marriage and adoption brokers and agencies that the governments reasonably believe to be involved in trafficking in persons.

COMMIT-Mekong has also developed, field-tested and distributed information for those potentially vulnerable to trafficking and has mobilised resources for programs such as: labour information packets; hotline services; and radio programs in appropriate minority languages.

In the area of protection, COMMIT-Mekong is working on strengthening legal frameworks to include provisions on the right to support and protection for all identified victims of trafficking within judicial proceedings. It is working to fully support victims as witnesses, together with families, witnesses and informants. It also has plans to hold a regional seminar on measures to freeze and confiscate assets of perpetrators and provide compensation to victims.

COMMIT-Mekong has set up a Youth Forum designed to give youth a voice in anti-trafficking policy and increase awareness among youth. It has also supported existing child- and youth-led prevention activities in communities, including action research with migrant groups and vulnerable communities and the development and dissemination of information materials intended to increase self-reliance. A technical working group has been set up to identify minimum standards for child-focused repatriation for incorporation into the above-mentioned 'Regional Guidelines on Victim Protection'..

COMMIT-Mekong has taken specific relevant steps to include men and boys in the COMMIT national plans, anti-trafficking laws and MOUs that previously focused solely on women and children. It also endeavours to ensure that both women and men are included at every level of its work, and that women are represented in positions of leadership and responsibility.

COMMIT-Mekong has held regional workshops on procedures for repatriation of victims, including development of common guidelines and on improving post-harm support and services, taking into account the views of those who are trafficked, to facilitate successful reintegration of victims and prevent their re-trafficking. A technical working group of government representatives, experts and international agencies meets and agrees on the essential elements of

reintegration services, clarifying what might constitute “successful” reintegration in the sub-region. It has also held a seminar with international organizations and donors to explore ways of providing resources for better economic and social support for victims of trafficking as appropriate to each country’s situation.

In the area of cooperation, COMMIT-Mekong has initiated a number of bilateral training programmes, including ones focused on victim identification and protection between COMMIT countries where significant cross-border trafficking occurs. It has also organised a two-day seminar to examine the practical implementation of bilateral MOUs against trafficking, taking as a starting point the MOUs between Thailand and Cambodia, the soon-to-be-signed MOU between Thailand and Lao PDR and the Thai use of national MOUs. Cooperation-focused seminars have also been held on: standard operating procedures on information- and intelligence sharing; mechanisms and systems for exchange of information and data collection; experiences in the establishment and implementation of bilateral and multilateral agreements on combating trafficking; and multi-sectoral cooperation between the criminal justice sector and other government departments and NGOs in the provision of support to victims of trafficking.

COMMIT-Mekong has also started addressing the need to strengthen cooperation with the private sector. Its efforts have focused on identifying private tourism sector partners active in the region and involving them in the implementation of the regional plan of action. Current efforts focus on the adoption of a regional strategy on cooperation with the tourism sector to combat human trafficking.

South Asian Association for Regional Cooperation (SAARC)

SAARC has adopted a legally binding instrument – the ‘SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution’. This instrument calls for the prevention of the use of women and children in international prostitution networks, particularly where countries of the region are the countries of origin, transit and destination. The Convention was unanimously ratified by all eight SAARC member states and entered into force in 2006, and calls upon its States parties to promote awareness, inter alia, through the use of the media, of the problem of trafficking in women and children and its underlying causes, including the projection of negative images of women. It is also active on gender mainstreaming in relation to trafficking.

SAARC is guided by its Trafficking Convention rather than a work plan, and since 2009 the implementation of the provisions of this Convention has been facilitated by the adoption by the SAARC Regional Task Force of a ‘Standard Operating Procedure’. The Regional Task Force meets yearly to monitor and assess the implementation of the SAARC Convention.

SAARC has recommended the establishment of regional uniform toll-free numbers for information on the issues relating to trafficking in women and for violence against children in its member states.

European Region

Council of Europe (CoE)

The 47-member CoE, whose primary goals are to create a common democratic and legal area throughout the European continent, and ensuring respect for its fundamental values, human rights, democracy and the rule of law, has been active in combating trafficking in persons since the late 1980s.

The ‘Council of Europe Convention on Action against Trafficking in Human Beings’ (hereafter the CoE Convention) has adopted a rights-based approach to combating trafficking in persons by means of a binding legal instrument. While it also aims at preventing trafficking and prosecuting traffickers, it is the only regional international treaty in this area that primarily focuses on the protection of the rights of the victims. The CoE Convention, which was adopted on 16 May 2005 and entered into force in 2008, has been ratified by 33 out of the 47 member states of the CoE, and has been signed by a further 10 member states. Importantly, the CoE Convention is open to ratification by States which are not members of the CoE (no non-members have signed to date) and by the European Union.

The CoE Convention has established a monitoring mechanism based on two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA), composed of independent experts, and a Committee of the Parties, a political body. GRETA, whose members are elected by the Committee of the Parties and act in their own capacity, is responsible for monitoring the implementation of the CoE Convention by the parties. It has recently initiated the first round of evaluation of the implementation of the Convention by the parties (2010-2013). Its reports and conclusions are due to be made public and will contain an analysis of the implementation of the Convention by the party concerned as well as suggestions and proposals on how this party may deal with the problems identified. The Committee of the Parties may adopt, on the basis of the report and conclusions of GRETA, recommendations addressed to the party concerned on measures to be taken to implement GRETA conclusions.

The CoE does not have a regional workplan as such, but rather is guided by the implementation of the CoE Convention in general, which covers all aspects of trafficking in persons. Each round of evaluation of this implementation by GRETA is due to focus on a number of specific provisions (or Articles) of the Convention, and it is foreseen that all parties will be evaluated in the order in which they acceded to the Convention.

In the area of prevention, the CoE has conducted a number of initiatives aimed at raising awareness among persons vulnerable to trafficking and at discouraging demand. In this context, it conducted in 2006-2008 the anti-trafficking campaign “Human beings – not for sale”. Forty-one countries participated in the eleven awareness-raising seminars, which aimed to highlight the types of preventive measures that can be taken. The CoE also published a comic strip “You’re not for sale” in seventeen languages, aimed at raising awareness of the dangers of trafficking among young people. In 2007 it prepared a study entitled “Trafficking in human beings: Internet recruitment” on the misuse of the Internet for the recruitment of victims of trafficking. Furthermore, GRETA has included in the Questionnaire for the first round of evaluation of the implementation of the Convention by the parties, a question relating to national, regional, and

local campaigns or programmes aimed at alerting potential victims to the various forms of exploitation.

Article 5 of the CoE Convention requires parties to take appropriate measures to enable migration to take place legally in particular through dissemination of accurate information by relevant offices on the conditions enabling the legal entry and stay on their territory. The CoE Convention also establishes measures that need to be taken to ensure the validity and security of travel and identity documents (Articles 8 and 9).

In the area of protection, the CoE Convention requires that the private life and the safety of victims of trafficking be protected throughout the course of judicial proceedings. It also provides for the possibility of not imposing penalties on victims for their involvement in unlawful activities if they were compelled to do so by their situation, and requires that the States consider the possibility of criminalizing those who use the services of a victim if they are aware that the person is a victim of trafficking.

The CoE Convention sets out a wide range of assistance measures, including physical and psychological assistance and support for the reintegration of victims of trafficking into society. Medical treatment, counselling and information as well as appropriate accommodation are all among the measures provided. Victims are entitled to a minimum of 30 days to recover and escape the influence of the traffickers and to take a decision regarding their possible cooperation with the authorities. A renewable residence permit may be granted if their personal situation so requires or if they need to stay in order to cooperate in criminal investigations.

The CoE Convention requests parties to establish measures concerning repatriation of victims, providing in essence that repatriation should be carried out with due regard to their rights, safety and dignity. Most importantly, this requirement concerns both the party returning the person and the party to which the person is returned. Furthermore, parties are requested to establish programmes aimed to avoid re-victimisation. Parties should favour the reintegration of victims into society, including reintegration into the education system and the labour market, in particular through the acquisition and improvement of professional skills.

The CoE Convention, in addition to requiring the use of gender mainstreaming in the development, implementation and assessment of anti-trafficking measures, also contains special measures for children. These include measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them, and also on the identification and representation of child victims, on the protection of the private life and identity of child victims, on the issue of residence permits for child victims in accordance with the best interests of the child, and on non-return of child victims to a State if there is any indication that return would not be in the best interests of the child. Furthermore, repatriation programmes for child victims should include enjoyment of the right to education and measures to secure adequate care or reception by the family or appropriate care arrangements. One of the aggravating circumstances to be considered when determining the penalty for the offence of trafficking is when the offence is committed against children. Special protection measures are afforded to child victims during and after investigation and prosecution. Lastly, during court proceedings special care should be taken of children's needs and their right to special protection measures.

The right to access effective legal remedies including compensation for victims of trafficking is dealt with for the first time in a regional legally binding instrument in article 15 of the CoE Convention. This article stipulates that victims should have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings in a language which they can understand. They should also have access to free legal aid, under the conditions provided by the internal law of the parties. This article also recognizes the right of victims to compensation and requests States parties to adopt legislative and other measures to guarantee compensation for victims. The CoE has also lent its institutional support to the European Action for Compensation for Trafficked Persons (COMP.ACT), launched in 2009 by Anti-Slavery International and La Strada International, together with civil society partners in 14 European countries representing countries of origin, transit and destination. The campaign takes its foundations from the provisions of Article 15 of the CoE Convention.

Mention should also be made of the ‘Joint Council of Europe/ United Nations Study on trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs’, published in 2009. This study finds that trafficking in human beings for the purpose of organ removal is a small part of the wider problem of organs, tissues and cells, and that there is widespread confusion in the legal- and scientific communities between the two types of trafficking, which it argues require different solutions.

During its fourth meeting, the Committee of the Parties of the CoE Convention on Action against Trafficking in Human Beings organized in Strasbourg on 13 September 2010 a thematic debate on ‘Partnerships among international organizations active in the field of trafficking in human beings: need for coordinated action’. The aim of the debate was to determine the actions to be taken to strengthen partnerships and improve coordination between the different international organizations active in the field of preventing and combating trafficking in human beings and protecting its victims. The following international governmental and non-governmental organizations which all have observer status with the Committee of the Parties participated in this debate: Amnesty International; Anti Slavery International; Europol; Federation Terre des Hommes; ILO; IOM; La Strada International; OSCE; UNHCR; and UNODC.

Also at the level of the CoE, the European Court of Human Rights has dealt with the issue of trafficking in human beings in the *Siliadin* case (26 July 2005) and the *Rantsev* case (7 January 2010) and, in particular, concluded in the latter judgment that trafficking in human beings itself, within the meaning of Article 3(a) of the Palermo Protocol and Article 4(a) of the CoE Convention on Action against Trafficking in Human Beings, falls within the scope of Article 4 of the European Convention on Human Rights (ECHR) on prohibition of slavery and forced labour. According to the Court, “Article 4 (of the ECHR) may, in certain circumstances, require a State to take operational measures to protect victims, or potential victims, of trafficking”.¹

Finally, the Council of Europe Parliamentary Assembly Committee on Equal Opportunities for Women and Men has formed a sub-committee on trafficking and has produced a Handbook for Parliamentarians, which comprises a description of the main provisions of the CoE Convention

¹ See Paragraph 286 of the Judgment. For the judgment and more information:
http://www.echr.coe.int/ECHR/homepage_en

and is intended as a practical tool that suggests a variety of approaches that may be taken by Parliamentarians. It sets out, for example, ways in which parliamentarians can press for the ratification and the application of the Convention by introducing legislation, allocating funding and lobbying their governments. On 26 January 2010, the CoE Parliamentary Assembly adopted Resolution 1702 (2010) and Recommendation 1895 (2010) on ‘Action against trafficking in human beings: promoting the Council of Europe Convention’, which aim at promoting the signature and ratification of the CoE Convention by the largest possible number of States and propose the organization of an inter-parliamentary conference on human trafficking, to be held in December 2010.

European Union (EU)

The fundamental principles governing the 27-member EU sub-region outlined in its treaties, as well as the decisions taken by the Council of the EU are held to override national laws, and its activities embrace three ‘pillars’: economic harmonisation; a common security and foreign policy; and justice and home affairs.

The framework for EU action on combating trafficking in persons, which is dealt with under the third pillar: justice and home affairs, is provided by the Commission Communication on ‘Fighting trafficking in human beings – an integrated approach and proposals for an action plan’ of October 2005 and the subsequent ‘EU Action Plan on Best Practices, Standards and Procedures for Combating and Preventing Trafficking in Human Beings’, adopted by the Council in December 2005 in accordance with the Hague Programme on Strengthening Freedom, Security and Justice in the EU. Its successor, the Stockholm Programme, is expected to further streamline the EU’s actions in the field of trafficking, including through the establishment of an Anti-Trafficking Coordinator² and the adoption of a revised instrument, in the form of an integrated Strategy on fighting trafficking in human beings, foreseen for adoption in 2012.

Although it is not in the form of a Convention, the EU has adopted a binding instrument to regulate its action to combat trafficking in persons – the 2002 ‘Council Framework Decision on Combating Trafficking in Human Beings’. This instrument explicitly refers to the adoption of a human rights-based approach, in which the rights of the victims are placed at the centre and where special attention is given to certain groups, such as women, children, members of minorities and indigenous peoples. In March 2010, the European Commission proposed a new instrument to replace the 2002 Framework Decision. Building on the CoE anti-trafficking Convention as well as on the UN Trafficking Protocol, the draft ‘Directive on preventing and combating Trafficking in Human Beings and protecting Victims’³ introduces more robust provisions for the protection of, and unconditional assistance to, trafficked persons. It also

² An Anti-Trafficking coordinator was appointed on December 14, 2010. See:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1763&format=HTML&aged=0&language=EN&guiLanguage=en>

³ An amended version of the draft Directive was adopted through a vote of the European Parliament on 14 December 2010 resulting in 643 votes in favour, 10 against and 14 abstentions. The Directive will be legally binding on EU member states, except the United Kingdom and Denmark in accordance with Protocol (N^o 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and Protocol (N^o 22) on the position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union (Lisbon Treaty). For the final text, see <http://www.europarl.europa.eu/oeil/file.jsp?id=5849482>.

includes a common definition of the crime of trafficking, aggravating circumstances and higher penalties.

Regarding prevention, the Declaration made by the EU at its Ministerial Conference: ‘Towards Global EU Action against Trafficking in Human Beings’, held in October 2009 identifies prevention as “the area where the most essential and focused work needs to be done, not only in countries of origin, but also in countries of destination where demand is a key factor” and calls for “a serious effort [to] promote work towards a clearer understanding of root causes facilitating [trafficking in persons] in countries of origin and countries of destination.”

The EU has identified proper identification of victims as the first and fundamental step in terms of prevention of trafficking, and recognizes that considerable capacity-building efforts are required to this end. On this issue, the EU joined forces with ILO to launch the DELPHI method to establish indicators for each type of trafficking. Moreover, the Commission has developed ‘Recommendations on the identification and referral to services of victims of trafficking in human beings’. Recognising that training is crucial in this area, a seminar was held under the Austrian EU Presidency with experts from Governments and NGOs at which best practices in the field of identification and support for victims were discussed.

The EU has also recently launched initiatives in the area of promoting safe migration at both the political and programmatic level. At the political level, EU Ministers explicitly recognized in the above-mentioned Ministerial Declaration the need for more comprehensive mainstreaming of human rights in anti-trafficking efforts, including through policies and measures dealing with immigration, integration of migrants and labour protection. The declaration states, inter alia, that “[t]he promotion of regular, fair and managed migration policies based on demand has the potential to reduce [trafficking in persons] by offering immigration possibilities which are safer, guarantee socio-economic and human rights and support the integration of the migrants into the destination society ... [trafficking in persons] can also be contained through the protection of migrants’ and labour rights.” At the programmatic level, one of the principles of an assessment manual for measuring responses to trafficking in persons developed for use in the European Union is to “make government policies linked to migration, the economy and the informalisation of the workplace consistent with efforts to stop trafficking”.

In the area of protection, the European Commission strives to take a child protection and gender perspective into account when formulating its policies and its financial funding programmes. One concrete example of a child protection-focused measure is an Action Plan on Unaccompanied Minors arriving in the European Union, which was adopted in May 2010. Furthermore, the EU policies on gender and on children’s rights include the fight against trafficking in women and children as a priority. As regards the EU’s external policy, trafficking is addressed in various policy documents that specifically target women and children. The Commission Communication (2006) ‘Towards an EU Strategy on the Rights of the Child’ takes stock of the plight of child trafficking, making a commitment to maximise existing policies and to adopt specific measures to eradicate the problem. The ‘EU Guidelines on the Rights of the Child’ (2007) identify child trafficking among areas for European Commission intervention through, inter alia, advocacy for ratification and effective implementation of international human rights instruments relevant to fighting violence against children. The Commission

Communication ‘A Special Place for Children in the EU’s External Action’ (2008) states that the fight against those crimes which particularly affect children, such as trafficking in human beings, must be based on concrete preventive and assistance measures to protect children from violence and exploitation and to ensure their rehabilitation, recovery and long-term social inclusion. In the ‘Conclusions on children in development and humanitarian assistance’ (2008), the Council underlines that due to their particular vulnerability, in times of crisis, there is an increased risk of children becoming the victims of different forms of human rights violations, including human trafficking. The ‘EU Guidelines on Women’ (2008) recognise that trafficking in women for the purposes of forced prostitution, sexual exploitation and of all other forms of exploitation is among forms of violence against women and should be addressed adequately.

In the area of cooperation, the EU has undertaken a number of actions under the pillar justice and home affairs to strengthen cooperation both among its member states and between the EU and other countries and regions, inter alia to counter trafficking in persons. As regards internal cooperation, the EU has created a number of institutions such as Europol, Eurojust and Frontex to facilitate cooperation between, and common understandings among, law enforcement and other agencies of the member states on issues including trafficking in persons.

As regards external cooperation, EU Interior and Justice Ministers adopted on 1 December 2009 an ‘Action-Oriented Paper’ (AOP) aimed at strengthening cooperation with countries outside the EU. The paper provides the guidelines for strengthening partnerships with third countries, improving coordination within the EU through regular reviews of the measures taken, and developing measures for the prevention and combating of crime as well as for the protection of victims. The AOP also provides that where human trafficking is of particular mutual concern between the EU and key third countries or regions, the parties could set up specific Anti-Trafficking in Human Beings Partnerships or specific agreements. It is foreseen that such partnerships be based on an assessment of needs, inter alia from the perspective of a victim-centred and human rights-based approach, and opportunities for practical operational cooperation. The type of bilateral agreement foreseen in the AOP would allow for a partnership between a regional organization and a country that is not a member, and also between sub-regional mechanisms, on a case-by-case basis depending on needs. It also foresees that, in response to a new trend or pattern, for instance a noticeable increase in the number of victims of trafficking from a similar area or region route, the EU may deem it necessary to develop a joint effort in partnership with a third country, region or organization. For this purpose, Swift Action Teams (SATs) may be established, composed of experts from Europol and Frontex. An SAT can be deployed to support a specific third country, region or international organization, for example to assist third countries in identifying victims of trafficking at airports before they board and providing training on the identification of victims and forged identity papers.

Middle East and North Africa Region

Gulf Cooperation Council (GCC)

GCC has taken a number of initiatives to curb human trafficking in the sub-region. In 2007, a workshop was held in the United Arab Emirates on human trafficking legislation, in order to share experiences and promote collaboration to fight human trafficking among the GCC

countries. The GCC is also in the process of drafting guiding principles to combat trafficking in the sub-region.

League of Arab States (LAS)

LAS has a human rights department, as well as a department for women and children in its Social Affairs Division which follows up on children's and women's issues, including trafficking in, and the protection of, women and children.

LAS has opted to base its regional work in relation to trafficking on two binding decisions adopted by its Council of Arab Ministers of Justice and Interior on 29 November 2008 establishing the 'Arab Framework Act on Combating Trafficking in Persons', thus creating a platform from which to spearhead action against trafficking in persons.

The Framework Act aims to: help Arab States develop their own legislation; bring such legislation into line with the relevant international instruments, in particular the Palermo Protocol; and define and criminalize human trafficking as well as prescribing penalties for this offence. While the focus of the Act is on the prosecution of traffickers, one reference is made (in Article 12) to the rights of victims, stating that the "[t]he competent authorities shall take appropriate measures to protect victims and those who report the offences set out in this Act, as well as injured parties, witnesses, experts and their family members." Among the recommendations emanating from a workshop attended by Ministers of Justice and Interior in 2007 to discuss possibilities for a mechanism to combat human trafficking in Arab legislation was that to "supplement those parts which deal with prevention and with measures which can be taken to deal with this phenomenon and to protect the victims of human trafficking". Participants also affirmed that it was not enough merely to criminalize prostitution or slavery; instead a mechanism or multidisciplinary committee which included NGOs and other representatives of civil society should be established to monitor the phenomenon and report thereon. Steps are currently underway to establish such a unit to monitor the phenomenon of trafficking in the Arab region and to serve as a hub for the exchange of information and experiences.

In March 2010, furthermore, LAS launched in conjunction with UNODC and with financial support from Qatar the regional work plan 'Arab Initiative to combat Trafficking in Persons'.

In the area of prevention, LAS delivered a statement at the Vienna Forum to Fight Human Trafficking, 13-15 Feb 2008, in which it "affirms the importance of according priority to combating human trafficking in order to deal with the root causes of the phenomenon including armed conflict, occupation, poverty, ignorance, inequality in development, the North-South divide and lack of technical cooperation with, and development support for, the countries of the South."

Out of the twenty-two LAS Member States, ten are signatories to the 'Arab Charter of Human Rights', which entered into force in 2008 and contains a number of provisions relevant to trafficking, including: trafficking in human organs is prohibited in all circumstances; the prohibition of slavery and servitude under any circumstances, forced labour and trafficking in persons for the purposes of prostitution or sexual exploitation or the exploitation of the prostitution of others or any other form of exploitation or the exploitation of children in armed

conflict (Article 10); and extensive provisions on the right to decent work freely chosen and on the right to development.

Organization of the Islamic Conference (OIC)

OIC is in the process of drafting the Statute which is to establish a Permanent Independent Human Rights Commission in line with the provisions of the OIC Charter. It remains to be seen whether and through what forms of cooperation the issue of trafficking in persons will be dealt with through this body and any instruments it may subsequently adopt.

Other

Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime

The Bali Process may be best termed as an intergovernmental regional consultative mechanism (and is sometimes referred to by the term ‘Regional Consultative Process or RCP), and is a rather more informal and loose structure than other regional mechanisms described here. Moreover, it is cross-regional rather than regional (including the participation of African, European and North American countries), even if the core of its 50 plus participating countries is drawn from Asia and Oceania. The Process’ Steering Group, furthermore, includes IOM and UNHCR. The most important difference with the other regional initiatives described here is perhaps that it does not primarily focus on trafficking in persons, but rather on people smuggling (specifically prevention and deterrence thereof).

One of the key objectives of the Bali Process is to develop and strengthen practical cooperation between regional operational agencies that work in areas such as law enforcement and border control based on the logic that it is these agencies that are ultimately at the frontline of the fight against human trafficking. To this end, the approach taken by the Process has been largely operational in nature and focuses on promotion of cross-agency responses, developing model legislation to address trafficking in persons, enhancing operational techniques relating to child sex tourism, and training of law enforcement officers on the provision of protection and assistance to trafficked persons, particularly women and children. In addition to law enforcement agencies, the Bali Process works at the level of foreign ministries, for example promoting the sharing of intelligence among embassies to build a more complete picture of movements within and across regions.

The Bali Process grew from the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime held in 2002 and co-chaired by the Foreign Ministers of Australia and Indonesia. After a second Bali Ministerial Conference in 2003, participants agreed to “continue a program of practical cooperation to combat people smuggling and trafficking in the region.” It was out of this agreement that the regular series of meetings and workshops that constitute the Bali Process has grown. The latest Ministerial Conference was held in April 2009 under the chairmanship of the former Australian Foreign Minister and the former Indonesian Foreign Minister. The conference served to refocus regional attention, and consolidate and strengthen high-level political will across the region, to combat trafficking and related transnational crime.

Incorporating a range of activities focusing on capacity-building and practical workshops, with actors choosing which aspects they wish to be involved with, the central anti-trafficking focus of the Process has been on technical cooperation, while there has been a longstanding recognition that the Process should focus on “tackling the root causes ... including by increasing opportunities for legal migration between states”, something that was reiterated as a future direction of the Process in 2004.

In addition, the Bali Process cooperates with countries on anti-trafficking legislation, using a model law developed by China and Australia. One year after its introduction, eighteen participating countries had made use of this model law. As one of the few regional mechanisms having initiated a dialogue with the tourism sector and the media at a regional level, the Bali Process includes within its priority areas the enhancement of operational techniques relating to child sex tourism. In this context, it organized workshops on combating child sex tourism in 2005 and 2006. It has also organized a series of workshops on provision of support to trafficked persons.

Organization for Security and Cooperation in Europe (OSCE)

OSCE, like the Bali Process, may be more appropriately termed a ‘cross-regional’ rather than ‘regional’ or ‘sub-regional’ mechanism. With 56 participating States spanning the geographical area from Vancouver to Vladivostok, it is the world’s largest regional security organization.

OSCE has opted to base its regional work in relation to trafficking on a binding decision adopted by its Council of Ministers in 2000. Further, it adopted an Action Plan to Combat Trafficking in Human Beings through a Ministerial Decision in 2003. The Plan is intended as a comprehensive toolkit to help participating States to implement their commitments to combating trafficking in persons. It adheres to a human rights and multidimensional approach to combating trafficking, covering: protection of victims; prevention; and the prosecution of those who facilitate or commit the crime. It provides extensive recommendations as to how participating States and relevant OSCE institutions, bodies and field operations may best deal with political, economic, legal, law enforcement, educational and other aspects of the problem.

The above-mentioned 2003 Ministerial Decision also established a Special Representative and Coordinator for Combating Trafficking in Persons. Its mandate includes: holding a high-level dialogue with participating States in the implementation of OSCE commitments; coordinating OSCE anti-trafficking efforts; conducting evidence-based research; providing assessments of achievements of participating States and the OSCE in this area; and submitting annual thematic reports.

OSCE’s anti-trafficking work conducted by its Special Representative has always striven to incorporate an approach that is human rights-based, specifically gender- and child-sensitive and non-discriminatory, taking as a starting point that trafficking is a grave violation of human rights and human dignity. Finally, in her 2009 annual report, the OSCE Special Representative makes the protection of children from trafficking her first priority. She posits the process of best interest determination as a central tool in ensuring that all aspects of the child’s situation are considered, insisting that this process must especially be made a prerequisite before a child is returned or repatriated.

In 2007, OSCE adopted a ‘Platform for Action Against Human Trafficking’, focusing on the following six priority areas: encouraging action at the national level and establishing national anti-trafficking structures; promoting evidence-based policies and programmes; stepping up efforts to prevent trafficking in human beings; prioritizing action against child trafficking; addressing all forms of trafficking in human beings; and promoting effective assistance and access to justice for all victims.

OSCE has been particularly active in terms of seeking to ensure the protection of victims through the establishment of adequate referral mechanisms, promoting the establishment of national referral mechanisms and victim assistance systems at the national level, in order to ensure that all victims have access to support services tailored to the individual victim’s needs, from the point of identification up to that of reintegration in society. In this regard, OSCE has developed a practical handbook on ‘National Referral Mechanisms – Joining Efforts to Protect the Rights of Trafficked Persons’.

In the area of prevention, OSCE has published a Guide on Gender-Sensitive Labour Migration Policies, as well as a publication entitled ‘Analyzing the Business Model of Trafficking in Human Beings to Better Prevent the Crime’. The latter is intended to ensure a deeper understanding of how trafficking enterprises work – their members, roles, *modus operandi* and the markets in which they exploit their victims – and to allow governments to take measures to prevent and successfully intervene in trafficking operations. In 2009, the Special Representative convened a high-level Alliance against Trafficking in Persons Conference on the theme ‘Prevention of Modern Slavery: An Ounce of Prevention is Worth a Pound of Cure’ with the following objectives: to make a united appeal to OSCE participating States to engage in nationwide prevention campaigns; to educate youth and the wider population; to take into account the negative impact of protracted conflicts and the global financial crisis on unemployment in our societies and on labour migration flows, the spreading of discrimination and intolerance towards migrant workers, increased vulnerabilities of women and children; and to step up the common fight against corruption and other crimes related to trafficking. The OSCE is also conducting research to deepen evidence-based policy responses, including on prevention of the ‘crime side of trafficking’.

In the area of remedies for trafficked persons, OSCE through its human rights initiative ODIHR published in 2008 an eight-country study on ‘Compensation for Trafficked and Exploited Persons in the OSCE Region’, and held several events following up on this research, including one held on 1 October 2009 in Warsaw, Poland, on ‘Compensation of trafficked persons: Law and practice in the OSCE region’.

Like the CoE, OSCE has also lent its institutional support to the European Action for Compensation for Trafficked Persons (COMP.ACT), launched in 2009 by Anti-Slavery International and La Strada International, together with civil society partners in 14 European countries representing countries of origin, transit and destination.

In the area of cooperation, finally, the Alliance against Trafficking in Persons was established by the first OSCE Special Representative in 2004, on the basis of thorough consultations with

OSCE participating States and bringing together major international and regional organizations working on trafficking in an informal forum for the exchange of information and sharing of experience and best practices. The Special Representative also hosts annual high-level Alliance events as well as bi-annual meetings of a smaller group of experts, the Alliance Expert Coordination Team, at the operational level to share best practices and avoid duplication.